IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

JANICE E. MORGAN and)
BARBARA RICHARDSON, on)
behalf of themselves and all others)
similarly situated,)
)
Plaintiffs,) CIVIL ACTION NO.
)
v.) 7:01-cv-0303-UWC
)
FAMILY DOLLAR STORES,)
INC.,)
)
Defendant.	

MOTION TO RELEASE SUPERSEDEAS BOND

Defendant Family Dollar, Inc. moves this Court to release the supersedeas bond it posted in this matter on April 27, 2007. *See* Doc. # 709. In support of this motion, Family Dollar says as follows:

- 1. Family Dollar posted the supersedeas bond in the amount of \$44,470,074.35, which is 125 percent of the Amended Final Judgment, pursuant to Federal Rule of Civil Procedure 62(d), to stay enforcement on the judgment pending appeal. *See* FED. R. CIV. P. 62(d);
- 2. Family Dollar has since satisfied the judgment in this case by paying a portion of the judgment, plus interest, directly to Counsel for Plaintiffs and by depositing with this Court the portion of the judgment

belonging to those Plaintiffs who have filed bankruptcy claims. Family

Dollar has also reached an agreement with the Plaintiffs on their attorney

fees. As proof of a resolution of these matters, Family Dollar directs the

Court to the Notice of Resolution of Attorney Fees and Costs and

Satisfaction of Judgment Plaintiffs filed on December 8, 2008. See Doc.

#758.

3. Now that Family Dollar has satisfied the judgment and has

resolved all remaining issues with the Plaintiffs, the supersedeas bond is no

longer necessary.

Family Dollar therefore moves the Court to release the supersedeas

bond and direct the Clerk of Court to return the original bond to Family

Dollar c/o T. Matthew Miller, Bradley Arant Boult Cummings, One Federal

Place, 1819 Fifth Avenue North, Birmingham, Alabama 35203. Once

Family Dollar receives the original bond, it will be returned to the surety,

Safeco Insurance Company of America.

Respectfully submitted,

/s/ Abdul Kallon

Abdul K. Kallon

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One of the Attorneys for Defendant

Family Dollar Stores, Inc.

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OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record:

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